

**ASSEMBLY BILL 458 (LRB -3380)**

An Act to repeal 118.019 (2m); to renumber and amend 118.019 (3); to amend 146.89 (3r) (e); to repeal and recreate 118.019 (1) and 118.019 (2); and to create 115.28 (9m), 118.019 (1m), 118.019 (3) (a), 118.019 (3) (b) and 118.019 (3) (c) of the statutes; relating to: providing instruction in human growth and development. (FE)

**2009**

09-30. A. Introduced by Representatives **Grigsby, Roys, Shilling, Berceau, Black, Kessler, Pasch, Fields, Vruwink, Turner, Soletski, Benedict, Pope-Roberts, Richards, Seidel, Danou, Pocan, Sinicki, Hintz, Smith, Bernard Schaber, Dexter, Hraychuck, Molepske Jr., Zepnick and Toles;** cosponsored by Senators **Taylor, Lehman, Sullivan, Plale, Miller, Risser, Robson and Erpenbach.**

09-30. A. Read first time and referred to committee on Education ..... 416

10-05. A. Fiscal estimate received.

10-06. A. Public hearing held.

10-08. A. Fiscal estimate received.

10-12. A. Assembly amendment 1 offered by Representative Grigsby (**LRB a0809**) ..... 429

10-26. A. Assembly amendment 2 offered by Representative Grigsby (**LRB a0948**) ..... 454

10-27. A. Executive action taken.

10-29. A. Fiscal estimate received.

10-29. A. Report Assembly Amendment 1 adoption recommended by committee on Education, Ayes 13, Noes 0 ..... 470

10-29. A. Report Assembly Amendment 2 adoption recommended by committee on Education, Ayes 13, Noes 0 ..... 470

10-29. A. Report passage as amended recommended by committee on Education, Ayes 8, Noes 5 ..... 470

10-29. A. Referred to committee on Rules ..... 470

10-29. A. Placed on calendar 11-3-2009 by committee on Rules.

11-03. A. Read a second time ..... 488

11-03. A. Assembly amendment 1 **adopted** ..... 488

11-03. A. Assembly amendment 2 **adopted** ..... 489

11-03. A. Assembly amendment 3 offered by Representatives Gottlieb and Ballweg (**LRB a1041**) ..... 489

11-03. A. Assembly amendment 3 **adopted** ..... 489

11-03. A. Assembly amendment 4 offered by Representative Ballweg (**LRB a1044**) ..... 489

11-03. A. Assembly amendment 4 laid on table, Ayes 52, Noes 41 ..... 489

11-03. A. Assembly amendment 5 offered by Representative Ballweg (**LRB a1039**) ..... 489

11-03. A. Assembly amendment 5 laid on table, Ayes 50, Noes 43 ..... 489

11-03. A. Assembly amendment 6 offered by Representative LeMahieu (**LRB a1045**) ..... 489

11-03. A. Point of order that Assembly amendment 6 not germane under Assembly Rule 54 well taken ..... 489

11-03. A. Decision of the Chair appealed ..... 489

11-03. A. Decision of the Chair upheld, Ayes 51, Noes 40 ..... 489

11-03. A. Assembly amendment 7 offered by Representatives Vukmir, Davis and Ballweg (**LRB a0810**) ..... 490

11-03. A. Assembly amendment 7 laid on table, Ayes 50, Noes 43 ..... 490

11-03. A. Assembly amendment 8 offered by Representative LeMahieu (**LRB a1064**) ..... 490

11-03. A. Point of order that Assembly amendment 8 not germane under Assembly Rule 54 well taken ..... 490

11-03. A. Decision of the Chair appealed ..... 490

11-03. A. Decision of the Chair upheld, Ayes 51, Noes 42 ..... 490

11-03. A. Placed at the foot of the calendar of 11-3-2009 ..... 490

11-03. A. Assembly amendment 9 offered by Representative Strachota (**LRB a1042**) ..... 492

11-03. A. Assembly amendment 9 laid on table, Ayes 50, Noes 43 ..... 492

11-03. A. Assembly amendment 10 offered by Representative LeMahieu (**LRB f522**) ..... 492

11-03. A. Assembly amendment 10 laid on table, Ayes 49, Noes 44 ..... 492

11-03. A. Assembly amendment 11 offered by Representative Ballweg (**LRB a1071**) ..... 493

11-03. A. Assembly amendment 11 **adopted** ..... 493

11-03. A. Ordered to a third reading ..... 493

11-05. A. Read a third time and **passed**. Ayes 48, Noes 43, Paired 4 ..... 499

**2010**

01-19. A. Messaged pursuant to Assembly Rule 50 (1).

01-19. S. Received from Assembly ..... 491

01-22. S. Read first time and referred to committee on Education ..... 501

01-26. S. **Printed engrossed** by the direction of the Senate Chief Clerk.

01-27. S. Executive action taken.

01-27. S. Report concurrence recommended by committee on Education, Ayes 4, Noes 3 ..... 518

01-27. S. Available for scheduling.

01-27. S. Placed on calendar 1-28-2010 by committee on Senate Organization.

01-28. S. Read a second time ..... 525

01-28. S. Senate amendment 1 offered by Senators Grothman and Taylor (**LRB a1408**) ..... 525



01-28. S. Senate amendment 1 **adopted**, Ayes 33, Noes 0 ..... 525

01-28. S. Senate amendment 2 offered by Senator Olsen (**LRB a1403**) ..... 526

01-28. S. Senate amendment 2 rejected, Ayes 18, Noes 15.

01-28. S. Senate amendment 3 offered by Senators Grothman and Lazich (**LRB a1405**) ..... 526

01-28. S. Senate amendment 3 rejected, Ayes 18, Noes 15.

01-28. S. Senate amendment 4 offered by Senators Hopper, Lazich, Darling, Grothman and Olsen (**LRB a1412**) ..... 526

01-28. S. Senate amendment 4 rejected.

01-28. S. Senate amendment 5 offered by Senators Lazich and Grothman (**LRB a1422**) ..... 526

01-28. S. Senate amendment 5 rejected, Ayes 18, Noes 15.

01-28. S. Senate amendment 6 offered by Senators Leibham, Lazich, Kapanke, Kanavas, Grothman, S. Fitzgerald,  
A. Lasee, Cowles and Kedzie (**LRB a1411**) ..... 526

01-28. S. Senate amendment 6 rejected.

01-28. S. Ordered to a third reading ..... 526

01-28. S. Rules suspended ..... 526

01-28. S. Read a third time and **concurred in** as amended, Ayes 18, Noes 15 ..... 526

01-28. S. Ordered immediately messaged ..... 527

01-28. A. Moved to take up from Senate Message, Ayes 51, Noes 45 ..... 616

01-28. A. Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) ..... 616

01-28. A. Senate amendment 1 **concurred in**, Ayes 95, Noes 0 ..... 617

02-01. A. **LRB correction** (Senate amendment 6) ..... 622

02-16. A. Action messaged pursuant to Assembly Rule 50 (1) ..... 660

CD

**2009**  
**ENROLLED BILL**

09en AB-458

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**ADOPTED DOCUMENTS:**

Orig     Engr     SubAmdt

09-4173/1

Amendments to above (if none, write "NONE"): SA1 - a 1408 / 1

Corrections - show date (if none, write "NONE"): NONE

Topic Rel

2-17-2010  
Date

*J. Miller*  
Enrolling Drafter



## ENGROSSED 2009 ASSEMBLY BILL 458

January 26, 2010 - Printed by direction of SENATE CHIEF CLERK.

1     **AN ACT** *to renumber and amend* 118.019 (3); *to amend* 118.019 (2m) (a),  
2           118.019 (2m) (b) (intro.), 118.019 (4) and 146.89 (3r) (e); *to repeal and recreate*  
3           118.019 (1) and 118.019 (2); and *to create* 115.29 (7), 118.019 (1m), 118.019 (3)  
4           (a), 118.019 (3) (b) and 118.019 (3) (c) of the statutes; **relating to:** providing  
5           instruction in human growth and development.

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### *Analysis by the Legislative Reference Bureau*

#### ***Engrossment information:***

The text of Engrossed Assembly Bill 458 consists of the following documents adopted in the assembly on November 3, 2009: the bill as affected by Assembly Amendments 1, 2, 3, and 11.

#### ***Content of Engrossed 2009 Assembly Bill 458***

Under current law, a school board may provide an instructional program in human growth and development in grades kindergarten to 12 that may include instruction in the following areas: 1) self-esteem, responsible decision making, and personal responsibility; 2) interpersonal relationships; 3) discouragement of adolescent sexual activity; and 4) family life and skills required of a parent. The school board may also provide instruction in human sexuality, reproduction, family planning, human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), prenatal development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility. If a school board offers

**ENGROSSED ASSEMBLY BILL 458**

instruction in any of these areas, it must also provide instruction in marriage and parental responsibility.

If a school district offers a human growth and development curriculum, the school board must appoint an advisory committee composed of parents, teachers, school administrators, pupils, health care professionals, members of the clergy, and other residents of the school district to assist the school board with the development, review, and implementation of the human growth and development curriculum. The advisory committee must also review the school district's curriculum at least every three years. Upon the written request of the pupil's parent or guardian, a pupil shall be exempted from the requirement to complete instruction in human growth and development.

Under current law, a volunteer health care provider (provider) may apply to the Department of Administration to be permitted to provide health care services without charge in a school or nonprofit agency. If the provider wishes to provide services at a school, the provider must file the application jointly with the school board or, if the school is a charter school, the governing body of the school. "Volunteer health care provider" is defined under current law as a physician, dentist or dental hygienist, registered nurse, practical nurse, nurse-midwife, nurse practitioner, optometrist, physician assistant, or dietitian who receives no income from the practice of that health care profession or who receives no income from the practice of that health care profession when providing services at the school. Under current law, the provider may provide instruction in human growth and development if the instructional program complies with the requirements above, but may not provide instruction in human sexuality; reproduction; family planning, including natural family planning; HIV and AIDS; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male and female responsibility.

This bill provides that a school board may offer an instructional program in human growth and development. If the school board offers an instructional program in human growth and development, the bill requires that the program provide medically accurate information and, when age appropriate, address all of the following: 1) communication between the pupil and the pupil's parents or guardians about sexuality; 2) reproductive and sexual anatomy and physiology; 3) puberty, pregnancy, parenting, body image, and gender stereotypes; 4) skills to make responsible decisions about sexuality and sexual behavior throughout the pupil's life span; 5) the benefits of and reasons for abstaining from sexual activity; 6) the health benefits, side effects, and proper use of contraceptives and barrier methods approved by the federal Food and Drug Administration (FDA) to prevent pregnancy and barrier methods approved by the FDA to prevent sexually transmitted infections; 7) methods for developing healthy life skills, including setting goals, responsible decision making, communication, and stress management; 8) how alcohol or drug use affects responsible decision making; and 9) the impact of media and peer messages on thoughts, feelings, and behaviors related to sexuality. If a school board provides instruction in any of the subject areas enumerated in items 1 to 9, it must ensure that instruction in marriage and family responsibility is provided, but not necessarily in the same course or during the same school year. In addition, the

**ENGROSSED ASSEMBLY BILL 458**

program must do all of the following: 1) use instructional methods and materials that do not promote bias against pupils of any race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities; 2) promote self-esteem and positive interpersonal skills, with an emphasis on healthy relationships; and 3) identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships.

The bill defines medically accurate information as information that satisfies all of the following: 1) the information is supported by the weight of research conducted in compliance with accepted scientific methods; 2) where appropriate, the information is published in peer-reviewed journals; and 3) the information is recognized as accurate by relevant leading professional organizations or agencies, such as the American Medical Association, the American Public Health Association, or the American Academy of Pediatrics. The bill defines “age appropriate” as suitable to a particular age group of pupils based on the developing cognitive and emotional capacity of and behaviors typical for the age group.

The bill permits a school district to eliminate from the human sexuality and development curriculum information that is not age appropriate. The bill requires each school board that elects not to offer human growth and development instruction to notify each pupil’s parent or guardian of this fact. The bill also requires the state superintendent to apply for federal funds to implement an evidence-based teen pregnancy prevention program.

Finally, the bill permits a provider to provide instruction in human growth and development if the instructional program complies with the instructional program established in this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1m.** 115.29 (7) of the statutes is created to read:

2           115.29 (7) **TEEN PREGNANCY PREVENTION.** Apply for federal funds allocated to  
3 evidence-based teen pregnancy prevention programs that have been proven through  
4 rigorous evaluation to delay sexual activity, increase contraceptive use, and reduce  
5 teen pregnancy in order to implement such a program.

6           **SECTION 2.** 118.019 (1) of the statutes is repealed and recreated to read:

7           118.019 (1) **PURPOSE.** The purpose of this section is to encourage all school  
8 boards to ensure that pupils in their districts are provided age-appropriate

**ENGROSSED ASSEMBLY BILL 458****SECTION 2**

1 instruction in human growth and development. The instruction should support and  
2 enhance communication between pupils and their parents and provide pupils with  
3 the knowledge, skills, and support necessary to make healthy decisions now and  
4 throughout their lifetimes and to make responsible decisions about sexual behavior.

5 **SECTION 3.** 118.019 (1m) of the statutes is created to read:

6 118.019 (1m) DEFINITIONS. In this section:

7 (a) “Age-appropriate” means suitable to a particular age group of pupils based  
8 on the developing cognitive and emotional capacity of and behaviors typical for the  
9 age group.

10 (b) “Medically accurate information” means information that satisfies all of the  
11 following:

12 1. The information is supported by the weight of research conducted in  
13 compliance with accepted scientific methods.

14 2. Where appropriate, the information is published in peer-reviewed journals.

15 3. The information is recognized as accurate by relevant leading professional  
16 organizations or agencies, such as the American Medical Association, the American  
17 Public Health Association, or the American Academy of Pediatrics.

18 **SECTION 4.** 118.019 (2) of the statutes is repealed and recreated to read:

19 118.019 (2) SUBJECTS. A school board may provide an instructional program in  
20 human growth and development in grades kindergarten to 12. If provided, the  
21 instructional program shall do all of the following:

22 (a) Present medically accurate information to pupils and, when  
23 age-appropriate, shall address the following topics:

**ENGROSSED ASSEMBLY BILL 458**

1           1. The importance of communication about sexuality and decision making  
2 about sexual behavior between the pupil and the pupil's parents, guardians, or other  
3 family members.

4           2. Reproductive and sexual anatomy and physiology, including biological,  
5 psychosocial, and emotional changes that accompany maturation.

6           3. Puberty, pregnancy, parenting, body image, and gender stereotypes.

7           4. The skills needed to make responsible decisions about sexuality and sexual  
8 behavior throughout the pupil's life, including how to refrain from making  
9 inappropriate verbal, physical, and sexual advances and how to recognize, rebuff,  
10 and report any unwanted or inappropriate verbal, physical, and sexual behaviors.

11           5. The benefits of and reasons for abstaining from sexual activity. Instruction  
12 under this subdivision shall stress the value of abstinence as the most reliable way  
13 to prevent pregnancy and sexually transmitted infections.

14           6. The health benefits, side effects, and proper use of contraceptives and barrier  
15 methods approved by the federal food and drug administration to prevent pregnancy  
16 and barrier methods approved by the federal food and drug administration to  
17 prevent sexually transmitted infections.

18           7. Methods for developing healthy life skills, including setting goals, making  
19 responsible decisions, communicating, and managing stress.

20           8. How alcohol and drug use affect responsible decision making.

21           9. The impact of media and one's peers on thoughts, feelings, and behaviors  
22 related to sexuality.

23           (b) Use instructional methods and materials that do not promote bias against  
24 pupils of any race, gender, religion, sexual orientation, or ethnic or cultural  
25 background or against sexually active pupils or children with disabilities.

**ENGROSSED ASSEMBLY BILL 458****SECTION 4**

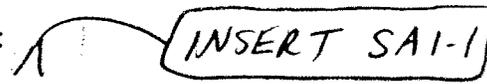
1 (c) Promote self-esteem and positive interpersonal skills, with an emphasis on  
2 healthy relationships, including friendships, marriage, and romantic and familial  
3 relationships.

4 (d) Identify counseling, medical, and legal resources for survivors of sexual  
5 abuse and assault, including resources for escaping violent relationships.

6 **SECTION 5g.** 118.019 (2m) (a) of the statutes is amended to read:

7 118.019 (2m) (a) If a school board provides instruction in any of the areas under  
8 sub. (2) (e) (a), the school board shall ensure that instruction in marriage and  
9 parental responsibility is provided in the same course, during the same school year,  
10 ~~as the area under sub. (2) (e).~~

11 **SECTION 5r.** 118.019 (2m) (b) (intro.) of the statutes is amended to read:

12 118.019 (2m) (b) (intro.) The school board shall ensure that instruction related  
13 to the areas under sub. (2) (e) (a) does all of the following: 

14 **SECTION 6.** 118.019 (3) of the statutes is renumbered 118.019 (3) (intro.) and  
15 amended to read:

16 118.019 (3) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. (intro.) Each  
17 school board that provides an instructional program in human growth and  
18 development shall annually provide the parents or guardians of each pupil enrolled  
19 in the school district with an outline of the human growth and development  
20 curriculum used in the pupil's grade level and information regarding how the parent  
21 or guardian may inspect the complete curriculum and instructional materials. The  
22 school board shall make the complete human growth and development curriculum  
23 and all instructional materials available for inspection by a parent or guardian upon  
24 his or her request for inspection at any time, including prior to their use in the  
25 classroom. A school board that elects not to provide an instructional program in

**ENGROSSED ASSEMBLY BILL 458**

human growth and development under this section shall, by September 30 of each school year, send home to the parent or guardian of each pupil enrolled in the school district a notice that includes all of the following:

**SECTION 7.** 118.019 (3) (a) of the statutes is created to read:

118.019 (3) (a) A statement that the school board is encouraged by state statute to provide instruction in human growth and development in grades kindergarten to 12.

**SECTION 8.** 118.019 (3) (b) of the statutes is created to read:

118.019 (3) (b) The subjects of instruction required under subs. (2) <sup>and (2m)</sup> if the school board were to provide instruction in human growth and development.

INSERT SAI-2

**SECTION 9.** 118.019 (3) (c) of the statutes is created to read:

118.019 (3) (c) A statement that the school board is not providing any human growth and development instruction to pupils enrolled in the school district.

INSERT SAI-3

**SECTION 9m.** 118.019 (4) of the statutes is amended to read:

118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take instruction in human growth and development or in the specific subjects under <sup>sub.</sup> (2) if the pupil's parent or guardian files with the teacher or school principal a written request that the pupil be exempted.

INSERT SAI-4

**SECTION 10.** 146.89 (3r) (e) of the statutes is amended to read:

146.89 (3r) (e) Under this subsection, a volunteer health care provider may provide instruction in human growth and development if the instructional program is in compliance with requirements of s. 118.019, ~~except that the volunteer health care provider may not provide instruction on a topic specified under s. 118.019 (2) (e).~~



**SENATE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 458**

January 28, 2010 - Offered by Senators GROTHMAN and TAYLOR.

SA1-1

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 6, line 13: after that line insert:

3 **SECTION 5t.** 118.019 (2r) of the statutes is created to read:

4 118.019 (2r) REQUIRED SUBJECTS. A school board that provides an instructional  
5 program in human growth and development under this section shall, when  
6 age-appropriate, instruct pupils about all of the following:

7 (a) The criminal penalties for engaging in sexual activities involving a child  
8 under ch. 948.

9 (b) The sex offender registration requirements under s. 301.45. Instruction  
10 under this paragraph shall include who is required to report under s. 301.45, what  
11 information must be reported, who has access to the information reported, and the  
12 implications of being registered under s. 301.45.”

13 **2.** Page 7, line 9: delete “and (2m)” and substitute “, (2m), and (2r)”.

SA1-2

